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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,688	05/06/1999	OLIVER T. BAYLEY	INT1P027	3807

21912 7590 10/16/2002
RITTER VAN PELT & YI, L.L.P.
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LOS ALTOS, CA 94022

EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 10/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/306,688

Applicant(s)

BAYLEY ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 06 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 10,11,14-19,29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9,12,13 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communication filed on August 06, 2002.

Response to Amendment

The examiner has acknowledged the amended claims 1 and 22 and the cancellation of claims 10, 11, 14-19, 29, and 30.

Response to Arguments

Applicant's arguments with respect to claims 1 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 12, 13, 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Want et al U.S Patent 6008727 in view of Armstrong U.S Patent 5461385.

Regarding claim 1, Want et al teaches an interactive radio frequency tag comprising a passive radio frequency transponder (col. 2 line 30), including an antenna (col. 2 line 34), an interface for receiving external stimulus and integrated circuit (col. 2 line 31) responsive to external stimulus. Want et al. is however silent on teaching one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active

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state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response. Armstrong in an art related RF/ID Transponder System Employing Multiple Transponders And A Sensor invention teaches a transponder having one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response (col. 2 lines 45-54).

It would have been obvious to one of ordinary skill in the art to have one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response in Want et al. because Want et al. suggests a transponder with integrated circuit and responsive to external stimulus and Armstrong teaches a transponder having one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response in order to provide different information based on the external stimulus.

Regarding claim 2, Want et al teaches an interface comprising of a button (col. 3 lines 23-25).

Regarding claim 3, Want et al teaches an interface comprising a sensor (col. 5 line 26).

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Regarding claim 4 and 5, Want et al teaches a radio frequency tag with a sensor that is responsive to heat and light (col. 5 line 39).

Regarding claim 6 and 7, Want et al teaches an interactive radio frequency tag apparatus comprising of an output device in the form of a light emitting diode which generates a visible signal in (col. 17 lines 8).

Regarding claim 8, Want et al. teaches a radio frequency tag apparatus giving audio or visual indication (col. 12 line 2-3).

Regarding claim 9, Want et al teaches that the output device generates a tactile signal (col. 2 line 54).

Regarding claim 12, Want et al however teaches a selectively enabled tag (col. 17 lines 5-6) with the element are connected by an interconnect module (562) to allow selective enablement or disablement of the functional element by an user employing a electromechanical controller. Enabling and disabling of different functional elements of the RF tag is considered to be changing the functional state of RF tag.

Regarding claim 13, Want et al teaches a radio frequency tag with an interface for external stimulus comprising environmental exposure (col. 5 line 39).

Regarding claim 20, Want et al teaches the use of various environmental sensors (col. 3 lines 10-17). Environmental sensors are considered to be transducer and transducers typically comprises of a voltage sensor.

Regarding claim 21, Want et al teaches a radio frequency tag apparatus with an output device of a light emitting diode or an audio alert signal output (col. 12 lines 3-4). Speakers are typically used to output an audio alert signal.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Want et al U.S Patent 6008727 in view of Armstrong U.S Patent 5461385.

Regarding claim 22, Want et al teaches an interactive radio frequency tag comprising a passive radio frequency transponder (col. 2 line 30), including an antenna (col. 2 line 34), an interface for receiving external stimulus and integrated circuit (col. 2 line 31) responsive to external stimulus. Want et al. is however silent on teaching one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response. Armstrong in an art related RF/ID Transponder System Employing Multiple Transponders And A Sensor invention teaches a transponder having one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response (col. 2 lines 45-54). Armstrong further teaches an external stimulus (pressure) to the pressure sensor interface for changing the state of the transponder (col. 2 lines 60-65).

It would have been obvious to one of ordinary skill in the art to have one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response in Want et al. because

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Want et al. suggests a transponder with integrated circuit and responsive to external stimulus and Armstrong teaches a transponder having one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response in order to provide different information based on the external stimulus.

Regarding claim 23 and 24, Want et al is silent on teaching generating a signal to indicate that the state of the radio frequency tag has change. Want et al however teaches using a flashing LED to indicate the reading state of a radio frequency tag (col. 12 line 3). One skill in the art recognizes that a flashing LED provides a visible signal as to the state of the RF tag.

Regarding claim 25, Want et al teaches an audible alert to provide indication of the state of the RF tag.

Regarding claim 26, Want et al teaches a tactile output based on internal state of the RF tag (col. 8. lines 40-41).

Regarding claim 27, Want et al teaches an interface that includes a button (col. 5 line 23).

Regarding claim 28, Want et al teaches a RF tag with an optionally attached sensor (560).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-F, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Vernal Brown
October 8, 2002

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

